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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,735	11/13/2003	Olaf Vancura	1482/161(f)	8906
23381 7590 01/08/2008 DORR, CARSON & BIRNEY, P.C. ONE CHERRY CENTER 501 SOUTH CHERRY STREET SUITE 800 DENVER, CO 80246			EXAMINER TORIMIRO, ADETOKUNBO OLUSEGUN	
			ART UNIT 3714	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,735

Applicant(s)

VANCURA, OLAF

Examiner

Adetokunbo O. Torimiro

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54-58 and 60-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54-58 and 60-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on 10/18/2007 has been entered. It is noted that claims 54,57,58,60,61,63,67 and 68 have been amended. Claim 59 has been cancelled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claim 54-58, 60-64, 66-67, and 69-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Frohm et al (US 6,234,897).

Re claims 54 and 55: Frohm et al discloses a method for playing a gaming machine, the gaming machine having a plurality of game symbols (see **figs.1 and 2; col.2, lines 13-16**), said method comprising: a. randomly displaying a combination of the plurality of game symbols in the gaming machine (see **fig.7; col.3, lines 56-58 and col.4, lines 35-40**), the plurality of game symbols at least including value / *winning* symbols and end of game / *losing* symbols (see **col.3, lines 20-29**), b. determining the values in any value symbols displayed in the gaming machine in response to the step of randomly displaying (see **col.3, lines 64-66 and col.7, lines 40-42**), c. accumulating in the gaming machine the determined values to an accumulated winnings value, d. repeating in the gaming machine steps a, b, and c until predetermined number of end game symbols is randomly displayed,

e. ending play in the gaming machine when the predetermined number is reached; wherein the predetermined number is one (see **figs.7 and 8; col.7, lines 40-62**).

Re claims 56-58: Frohm et al discloses further including null / *blank* symbols in the game symbols (see **col.4, lines 35-37**); wherein the value symbols include positive integer values; wherein the value symbols include negative integer values (see **fig.3**); wherein the value symbols include multipliers (see **figs. 10A-10D; col.8, lines 10-21**). **It is apparent to Examiner that if the symbols can include positive integers, it is a preference to include negative integers.**

Re claims 60-62: Frohm et al discloses further comprising: ending the bonus game when a player stop signal is received in response to the step of accumulating, and awarding the accumulated winnings value in response to the received player stop signal (see **fig.8; col.7, lines 59-62**); further comprising determining when the accumulated winnings value at least equals a predetermined winnings value, ending the bonus game, and awarding the accumulated winnings value (see **fig.12; col.9, lines 9-40**); wherein the predetermined number is one and the end game symbol is a lose symbol (see **col.7, lines 45-58**).

Re claim 63: Frohm et al discloses a method for playing a bonus game, the bonus game having a plurality of game symbols (see **figs.1 and 2; col.2, lines 13-16**), said method comprising: a. randomly displaying a combination of game symbols from the plurality of game symbols in the bonus game (see **fig.7; col.3, lines 56-58 and col.4, lines 35-40**),

the plurality of game symbols including at least one value / *winning* symbols and at least one end of game / *losing* symbol (see col.3, lines 20-29), b. determining values in any value symbols displayed in the bonus game in response to the step of randomly displaying (see col.3, lines 64-66 and col.7, lines 40-42), c. accumulating in the bonus game the determined values to an accumulated winnings value, d. repeating in the bonus game steps a, b, and c until the accumulated winnings value reaches a predetermined value, e. ending the bonus game when the predetermined value is reached and the at least one end game symbol has not been displayed on any combination of game symbols (see figs.7 and 8; col.7, lines 40-62).

Re claim 64: Frohm et al discloses the method further comprising: paying an award different from the predetermined value in response to ending the bonus game (see fig.8; col.7, lines 59-62).

Re claim 66: Frohm et al discloses the method further comprising paying the predetermined value in response to ending the bonus game value (see fig.12; col.9, lines 9-40).

Re claim 67: Frohm et al discloses a method for playing a bonus game, the bonus game having a plurality of game symbols (see figs.1 and 2; col.2, lines 13-16), said method comprising: a. setting a count value to zero when the bonus game starts (see col.7, lines 2-5), b. incrementing the count value each play of a bonus game (see col.7, lines 39-40),

c. randomly displaying a combination of game symbols from the plurality of game symbols in each play of the bonus game (see **fig.7; col.3, lines 56-58 and col.4, lines 35-40**), the plurality of game symbols including at least one end game / *losing* symbol (see **col.3, lines 20-29**), d. repeating in the bonus game steps b and c until the count value reaches a predetermined value, e. ending the bonus game when the predetermined value is reached and the at least one end game symbol has not been randomly displayed in any combination of game symbols (see **figs.7 and 8; col.7, lines 40-62**).

Re claim 69: Frohm et al discloses a method for playing a casino bonus game when a bonus qualifying signal issues during play of a casino gaming machine(see **col.2, lines 18-21**) comprising: accumulating award values in a display during play of the casino bonus game (see **figs.7 and 8; col.7, lines 40-62**), receiving a player stop signal from a player input during play of the casino bonus game, displaying an end of bonus game / *losing* symbol in the display during play of the casino bonus game (see **col.3, lines 20-29**), awarding at least the accumulated award values in response to receiving the player stop signal and before the end of bonus game symbol is displayed in the display signal, ending play of the casino bonus game in response to awarding, ending play of the casino bonus game in response to displaying the end of game symbol before receiving the payer stop signal (see **fig.8; col.7, lines 59-62**).

Re claims 70-72: Frohm et al discloses further including null / *blank* symbols in the game symbols (see **col.4, lines 35-37**); wherein the value symbols include positive integer

values; wherein the value symbols include negative integer values (**see fig.3**); wherein the value symbols include multipliers (**see figs. 10A-10D; col.8, lines 10-21**). **It is apparent to Examiner that if the symbols can include positive integers, it is a preference or design choice to include negative integers.**

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 65 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frohm et al (US 6,234,897) in view of Moody et al (US 5,976,016)

Re claims 65 and 68: Frohm et al teaches a method for playing a bonus game, the bonus game having a plurality of game symbols (**see figs.1 and 2; col.2, lines 13-16**).

However, Frohm et al fails to teach further comprising paying a progressive jackpot in response to ending the bonus game.

Moody et al teaches further comprising paying a progressive jackpot in response to ending the bonus game (**see col.6, lines 16-27**).

Therefore it would have been obvious to one of ordinary skill in the art at the invention was made to make this combination of the teachings of Frohm et al and Moody et al so as to

have a game with increased intensity, interest, and anticipation for the game player towards winning at the end of the game.

Response to Arguments

6. The Applicants amendment in regards to the 35 USC 112 rejection is accepted therefore, that rejection has been withdrawn.

Applicant's arguments filed 10/18/2007 have been fully considered but they are not persuasive.

The Examiner disagrees with the argument of the Applicant that the prior art Frohm '897 is not a prior art because the CIP priority to Frohm '429. Because the reasons given by the applicant are not sufficient to disregard Frohm '429 as a priority.

In regards to the argument that Frohm '429 does not teach at least including value symbol, the Examiner disagrees. The Examiner points to Applicant and notes that Frohm '429 in figs. 4 and 22 as well as the abstract amongst other sections describe value/winning symbols and end of game/loosing symbols. It can be interpreted and obvious to one skilled in the art that from the figs and sections, that for winning to occur there has to be winning symbols for the type of game machine being discussed, which also applies to the ending of the game.

In regards to the argument that Frohm '429 does not teach determining the values in any value symbols displayed, the Examiner disagrees. The Examiner points out that Fig.4 in particular teaches, shows, and deals with the process of determining and evaluating symbols that appear on the pay line to determine if there's a win or loose based on a preset condition.

In regards to the argument that Frohm '429 does not teach accumulating winning values, the Examiner disagrees. The Examiner points that as interpreted and has read in the claim; fig.5 teaches this limitation in the various steps from 130 to 150, which is the interpretation of the Applicant's disclosure. The Examiner also notes that the claims are examined as stated and that the specification or disclosures are not read into the claims.

In regards to the argument that Frohm '429 does not use an end game symbol randomly displayed, the Examiner disagrees. The Examiner points out to Applicant that it is only obvious for game symbols to be winning game symbols and end game symbols, if the symbols or the combination of symbols don't indicate and initiate the stop function or end of game randomly, the game therefore will go on forever which will not be very appealing to the game player. The Examiner also notes that the game symbols in predicted combinations are the end game symbols needed for the game because they are symbols that cause the game to end.

In regards to the argument that Frohm '429 does not teach repeating until a predetermined number of end game symbols is randomly displayed, the Examiner disagrees. The Examiner points out to Applicant that the abstract of Frohm '429 teaches this limitation as a continuous play of the game until end game symbols/combinations occurs.

In regards to the argument that claims 65 and 68 are non-obvious based on their dependency on Frohm '429, the Examiner disagrees. Since as pointed out in response to the reasons and argument given by Applicant above that Frohm '429 teaches the limitations, the Rejections are maintained.

Conclusion


7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AT


ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER